



~~RCE \$~~
Ifu

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/651,840 Confirmation No.: 8172
Applicant(s): Richard G. CARTLEDGE et al.
Filed: August 29, 2003
TC/A.U.: 3731
Examiner: Natalie R. POUS
Title: Implantable Devices for Controlling the Internal Circumference of an
Anatomic Orifice or Lumen
Docket No.: 28099-0006
Customer No.: 24633

Mail Stop RCE

Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE)

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the
above-identified application.

1. The required submission under 37 C.F.R. § 1.114

- a. ☐ Was previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116
previously filed on March 3, 2005
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief
previously filed on
- iii. ☐ Other
- b. ☒ Is enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit Under 37 CFR § 1.132
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____



**Applicant petitions for an extension of time, the fees for which are set out in
37 C.F.R. §1.17(a), for the total number of months checked below:**

03/09/2007 SZEWDIE1 00000043 501349 10651840

01 FC:2801 395.00 DA
02 FC:2252 225.00 DA

U.S. Application No. 10/651,840
Request for Continuation Examination

2.

| <u>Total Months Requested</u> | <u>Fee for Extension</u> |
|---|--------------------------|
| <input type="checkbox"/> one month | \$ 120.00/60.00 |
| <input checked="" type="checkbox"/> two month | \$ 450.00/225.00 |
| <input type="checkbox"/> three month | \$ 1020.00/510.00 |
| <input type="checkbox"/> four month | \$ 1590.00/795.00 |
| <input type="checkbox"/> fifth month | \$ 2160.00/1080.00 |

Extension of time fee due with this request: \$450.00
If an additional extension of time is required, please consider this a Petition therefore.

3. **Fee Calculation (37 C.F.R. § 1.16)**

| CLAIMS FOR FEE CALCULATION | | | | | |
|--|--------------------------|--------------------------|--------------|------------------|-------------------------|
| | Number of Current Claims | Highest Number of Claims | Number Extra | At Rate of | Filing Fee \$ 790.00 |
| Total Claims (37 C.F.R. §1.16(c)) | 26 | 24 | 2 | \$ 50.00 each = | \$ 0.00 |
| Independent Claims (37 C.F.R. §1.16(b)) | 1 | 3 | 0 | \$ 200.00 each = | \$ 0.00 |
| Two Month Extension of Time | | | | | \$ 450.00 |
| TOTAL FILING FEE = | | | | | 1240.00 |
| Minus ½ for Small Entity | | | | | 620.00 |
| | | | | | \$ 620.00 |

4. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1,103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other

5. **Fees:**

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☐ A check in the amount of \$ 0.00 is enclosed for the RCE fee of \$0.00 and a two-month extension of time fee of \$0.00
- b. ☒ **The Commissioner is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1349.**
- i. ☒ **RCE fee required under 37 C.F.R. § 1.17(e) in the amount of \$395.00**
- ii. ☒ **Two-Month Extension of time fee (37 C.F.R. § 1.17(a)) in the amount of \$225.00**
- iii. ☐ Other
- ☒ **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

HOGAN & HARTSON LLP

Dated: **March 08, 2007**

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